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Convention on the Rights of the Child

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Committee on the Rights of the Child
Seventy-first session

Summary record of the 2057th (Chamber B) meeting
Held at the Palais des Nations, Geneva, on Tuesday, 12 January 2016, at 10 a.m.

Chair: Mr. Mezmur

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The meeting was called to order at 10 a.m.

Consideration of reports of States parties (*continued*)

Combined third and fourth periodic reports of the Islamic Republic of Iran (continued) (CRC/C/IRN/3-4; CRC/C/IRN/Q/3-4 and Add.1)

1. *At the invitation of the Chair, the delegation of the Islamic Republic of Iran took places at the Committee table.*

2. **Mr. Abbasi** (Islamic Republic of Iran) said that families played a fundamental role in his country's social system. Interaction with NGOs was also crucial in the promotion of children's rights. He noted that the Committee had earlier raised questions concerning the training of judges for juvenile courts, the age of criminal responsibility, the minimum age of marriage, the question of execution and how the State dealt with situations in which children witnessed hangings, beheadings or honour killings.

3. **Mr. Mohades** (Islamic Republic of Iran) said that a training centre for judges had been set up in 2006 to provide both initial and in-service training. Judges underwent a one-year training course and were required to pass a rigorous examination. In-service training courses, taught by professors and senior judges, were obligatory for judges wishing to be promoted. Training workshops could be organized at the request of provincial prosecutors, such as one on human and civil rights recently conducted in Kerman province.

4. Under the Children and Adolescents Protection Act of 2002, a person inflicting physical, mental or moral damage on a child, including a parent, was liable to 3-6 months' imprisonment or a fine, or both. Legal action could be taken by the State. Alternatively, under article 66 of the Code of Criminal Procedure, NGOs could apply for proceedings to be instituted. As for the age of criminal responsibility, new legislation had been introduced in 2013 and revised in 2014. Under the previous law, the age of criminal responsibility had been 9 years for girls and 15 years for boys. The current situation was that, under the age of 9 years, children of either sex had no criminal responsibility. Between the ages of 9 and 15 years, it was up to a judge to decide whether a child should be handed over to his or her parents or guardian, who were required to guarantee the child's good conduct, or whether the child should be committed to a correction and rehabilitation centre for up to nine months or, in the case of a child between 12 and 15 years of age, up to one year. Since religious morality and social customs were the basis of the law in the Islamic Republic of Iran, children aged between 15 and 18 years were dealt with according to their understanding of the nature of the offence committed and the level of remorse they showed. A distinction should be drawn between execution and *qisas*. Both involved deprivation of life, but the criminal procedures were completely different. No executions of persons under the age of 18 years were carried out, even in cases involving drugs. The Government was proud that, over the previous three years, the punishment of children and adolescents had decreased by one quarter.

5. **Ms. Winter** (Coordinator, Country Task Force) asked what the speaker meant by the word "unconventional", used by the interpreter in relation to the punishment of children. She also asked whether a judge could request a medical assessment of a child's capacity to understand why a particular action was forbidden by law.

6. **Mr. Kotrane** noted that, even under the 2013 revision of the Islamic Penal Code, the death penalty was not prohibited for persons under 18 years of age, even if it was normally not implemented. It appeared that the courts sometimes waited until a person reached the age of 18 years before executing that person for an offence committed earlier. It was indisputable that the Supreme Court had ruled that domestic law

prevailed over international treaties to which the Islamic Republic of Iran was a party, and a member of the delegation had said the previous day that all rules and regulations must be in line with sharia law. The Committee welcomed the news that the age limit for criminal responsibility had been raised, but he would be grateful for confirmation that the death penalty was not applied when a person who had committed a capital offence reached the age of 18 years.

7. **Ms. Ayoubi Idrissi** asked whether, under the new law, a child who could not afford a lawyer was given legal aid and whether a child's views could be heard in court. She also wondered whether any allowances were made for offences by children and whether there was a difference in the blood price for women and men.

8. **Mr. Mohades** (Islamic Republic of Iran) said that "unconventional" punishment related to punishment that caused a child any kind of physical, psychological or moral damage. As for the concept of *qisas*, it was up to the judge to prove that a murder had been committed, in the case of an offender between the ages of 15 and 18 years, and that the culprit recognized the nature of the offence. In reply to Mr. Kotrane, he said that *qisas* could be issued for a child under 18 years, but an appeal could be mounted at every stage. The family of the victim had the right to forgive the perpetrator and accept blood money. There was no question of executing a person for a crime that he or she had committed while still a minor.

9. **Mr. Moghareh Abed** (Islamic Republic Iran) said that a mature person and a person under the age of 18 years could be spared *qisas* if there was any doubt about his or her guilt or if he or she was unable to understand the nature of the offence. He drew the Committee's attention to the cases of a number of young men whose cases had been retried or in which *qisas* had not been implemented. In such cases, other forms of punishment were imposed: children could be sent to correction centres or given fines.

10. **The Chair** (Country Task Force) requested further details of cases in which juvenile offenders had been found to possess the mental growth and maturity required to be held criminally responsible and had subsequently been sentenced to death after a retrial. He asked what measures were taken to ensure that all juvenile offenders on death row were informed of their right to request a retrial under article 91 of the Islamic Penal Code and invited the delegation to comment on the case of Samad Zahabi, who had been executed in October 2015 despite an alleged failure to inform him of his rights.

11. **Mr. Abbasi** (Islamic Republic of Iran) said that, with regard to unconventional punishment, while parents or legal guardians had the right to punish minors, they could not commit acts that caused visible harm, such as flogging. If they did, courts could strip them of custody.

12. Sentences in capital cases were reviewed by high courts, which took into account a number of criteria when establishing the criminal liability of offenders. Commissions of experts were in place to examine all aspects of such cases and to provide judges with comprehensive information on which to base their decisions. If any one of the criteria for criminal liability was not satisfied, judges were precluded from imposing the death penalty. The cases mentioned by the Chair were scheduled for review.

13. **Mr. Kotrane** said that the steps that had been taken to reduce the number of cases in which the death penalty was imposed on persons under the age of 18 years were commendable but insufficient. The State party should abolish the death penalty for persons under 18 years of age, in line with the recommendation made by the Committee in paragraph 30 of its previous concluding observations (CRC/C/15/Add.254), which had been drafted in 2005.

14. **Mr. Abbasi** (Islamic Republic of Iran) said that, since 2005, the Government's policy with regard to the death penalty had changed and significant progress had been made. All persons under 18 years of age were entitled to the assistance of counsel, which helped ensure respect for the right to a retrial in capital cases. Moreover, the judges tasked with handling such cases were highly experienced. The Government would continue to review domestic laws that provided for the death penalty.

15. **Mr. Mohades** (Islamic Republic of Iran) said that, pursuant to a decree issued by the Supreme Court, persons sentenced to death under the *qisas* principle prior to the entry into force of the Islamic Penal Code of 2013 and who were under 18 years of age at the time of the offence were entitled to a retrial in accordance with article 91 of the Code.

16. **Mr. Farid** (Islamic Republic of Iran) said that, according to recent studies, 90 per cent of street children lived with at least one of their parents and did not tend to sleep on the streets, almost 10 per cent lived with other relatives or friends, and only around 1 per cent had no family support at all. In order to offer protection to the most vulnerable children, emergency social services were in operation in 190 cities across the country, and a helpline had been set up to provide psychological and social assistance. Mobile units had also been established to enable health professionals to intervene on the ground when appropriate, and a leaflet was being produced to provide instructions to police officers on how to deal with street children. In the previous three years, day-care centres had been created for street children in 15 provinces, with a concentration of efforts in large cities. In Tehran, a shelter had been built to offer accommodation to homeless children under the age of 12 years.

17. With regard to disadvantaged children in general, special measures were being taken in rural areas, which were home to 30 per cent of the country's total population. Around 7,000 kindergartens had been opened, of which 1,200 were in marginalized rural areas, where enrolment fees were significantly lower than those charged in urban areas and were borne in part by the Government. To combat undernutrition, a plan had been launched to provide at least one meal a day to those in need. Recent studies showed that the plan was proving effective in cutting undernutrition, but more time was needed to gauge its impact on stunted growth.

18. Since the Eighth Global Conference on Health Promotion had been held in Helsinki, Finland, in 2013, the State Welfare Organization had drawn up several plans to promote the full-fledged development of children and had recommended that, in its sixth national development plan, the Government should allocate 1 per cent of the gross domestic product to supporting children.

19. More than three decades had passed since the inception of a primary health-care network in the country. During that time, the infant mortality rate had decreased from around 100 to 10 per 1,000 live births and life expectancy had risen considerably. The Ministry of Health and Medical Education was distributing health packages in marginalized areas. Of the 12 million residents in such areas, almost 10 million had access to primary health care, and steps were being taken to extend coverage to the remaining 2 million. A national child development plan had been formulated and was being implemented.

20. The comprehensive law on the protection of persons with disabilities, which had been adopted in 2004, was under review in parliament as a result of studies conducted in close cooperation with NGOs. The State Welfare Organization had recommended that the revised law should provide for greater health coverage for children with disabilities.

21. Measures had been adopted to promote the early detection of disability, particularly through monitoring before and during pregnancy and in kindergartens, and

to supply cochlear implants and other medical devices and software. Community-based rehabilitation services were also being provided, and a network of NGOs had been created to protect the rights of children with disabilities.

22. **Ms. Ayoubi Idrissi** asked how the State party could guarantee that the children's helpline was accessible in remote and resource-poor areas. Noting that many street children had chosen to leave their family homes owing to a negative home environment, she asked whether those children were consulted before being returned to their families and whether alternative solutions were proposed if they did not wish to return home.

23. **Mr. Cardona Llorens**, noting that the State party's approach to dealing with children with disabilities placed a strong emphasis on medical solutions, emphasized that disability did not equate to illness. He asked whether the State party would consider adopting a human rights-based approach to the issue and take measures to create inclusive environments that would enable children with disabilities to exercise their human rights on an equal footing with their non-disabled peers.

24. **Ms. Oviedo Fierro** asked whether breastfeeding was encouraged in the Islamic Republic of Iran, in line with international standards.

The meeting was suspended at 11.30 a.m. and resumed at 11.45 a.m.

25. **Mr. Abbasi** (Islamic Republic of Iran) said that an initiative had been taken, in coordination with the United Nations Children's Fund, under which an Iranian delegation had travelled to New Zealand to receive special training and to learn from that country's experience in setting up a children's police force. The Islamic Republic of Iran had subsequently established its own children's police force, which included experts who were trained in dealing with vulnerable children. He emphasized the vital role that female police officers could play in that regard and the need for highly specialized police training to ensure the protection of children.

26. **Mr. Hajianzadeh** (Islamic Republic of Iran) said that his country operated an inclusive education system that enabled children with disabilities or special needs to study in mainstream schools to the greatest extent possible. Of the 120,000 school-age children with disabilities in the country, 50,000 were enrolled in mainstream schools and 70,000 were enrolled in special schools. The education of children with disabilities was monitored by relevant NGOs.

27. **Ms. Ja'fari** (Islamic Republic of Iran) said that, while female genital mutilation (FGM) occurred in certain areas of the country, the Government was taking various legislative and practical measures to eradicate the practice entirely. The National Body for the Convention on the Rights of the Child and the Vice Presidency for Women and Family Affairs had signed a memorandum of understanding on the launch of a programme to address the issue of FGM. Under that programme, relevant training courses would be offered to various stakeholders, including representatives of the Ministry of Health, and Sunni leaders would be encouraged to use their influence to raise awareness of the issue among affected groups of the population. In addition, the national plan of action on children's rights aimed to create a child-friendly culture, in part by combating negative traditional practices such as FGM.

28. The Government was determined to prevent early marriage and was implementing legislative and practical measures to that end. Marriage below the minimum legal age of 13 years for girls and 15 years for boys was subject to the fulfilment of three conditions: authorization on the part of the child's parents or guardians; a positive assessment that the marriage was in the best interests of the child; and the issuance of a certificate by a family court. A number of legal provisions, based on children's sexual and mental maturity and their ability to fulfil their

responsibilities within the marriage, offered protection from early or forced marriage and provided for the nullification of marriage certificates and compensation in cases where children were married against their will. The practice of early marriage was rooted in the traditional beliefs of certain groups of the population, and measures should be taken to raise awareness of the issue among those groups. The Vice Presidency for Women and Family Affairs was working to combat early marriage, and the National Body for the Convention on the Rights of the Child had held a workshop on the topic that had produced recommendations and guidelines on the issuance of early marriage certificates by family courts.

29. **Mr. Hajianzadeh** (Islamic Republic of Iran) said that all citizens were guaranteed the inalienable right to education and that obstruction of a girl's education by her parents or spouse was criminalized by law. Sex education, including consultation services and information on family planning, was covered by school curricula.

30. **Ms. Winter**, noting that the Act on the Protection of Children and Adolescents with No Guardian or an Abusive Guardian entitled guardians to have sexual intercourse with girls as young as 9 years (based on the lunar calendar), asked whether that right had ever been exercised. If not, why was it still included in the law? The Civil Code entitled a husband to deny his wife permission to access her right to education, and she asked whether there were any plans to abolish that provision.

31. **Ms. Ayoubi Idrissi** asked whether the State party intended to review the minimum age of marriage, which was currently far too low and could be considered a form of sexual violence, particularly in the case of girls. She asked the State party to provide statistics concerning divorces among children who had entered into early marriage and asked whether such marriages could be contested in court if they had not been registered.

32. **Mr. Nelson** (Country Task Force) asked whether he was right in thinking that there was effectively no minimum age of marriage provided the three conditions that had been described were met. He also requested more information on the children's police force.

33. **Mr. Abbasi** (Islamic Republic of Iran) said that children under the minimum age of marriage could marry subject to fulfilment of the three criteria mentioned, but such cases were exceptional and the practice of early marriage was not widely accepted in Iranian society. While there was an ongoing need for awareness-raising and training in that area, the country had taken a very important step forward in defining the child, under various laws and policies, as any person under the age of 18 years.

34. **Mr. Farid** (Islamic Republic of Iran) said that a study conducted across 10 provinces of the State party had revealed that many people were unaware that a social emergency helpline was available. Consequently, the Government had launched a media and advocacy plan and had held meetings with teachers' associations in order to increase their ability to identify whether a child was being subjected to abuse. Social emergency services existed in many cities across Iran, with a current coverage of 80,000 persons, although the aim was to increase their reach.

35. A solution to the problem of street children was yet to be found. Almost 80 per cent of street children in Iran were not orphans, and specialized social workers were needed in order to address the issues that forced such children onto the streets, such as drug addiction and incompetent guardianship. If a judge ruled that a child's parents were incompetent, the child would be settled in a special centre. The child would only be returned to his or her parents if a judge and any social workers working on the case deemed the parents fit to take appropriate care of the child.

36. With regard to children with disabilities, the Government was aware that social support and changes in social attitudes were as important as medical support. A number of measures had been taken to increase the participation of persons with disabilities in public life.

37. **Mr. Behzad** (Islamic Republic of Iran) said that the State party had taken a number of steps to prohibit child labour, such as ratifying the International Labour Organization (ILO) Worst Forms of Child Labour Convention, 1999 (No. 182). Ad hoc inspections were carried out by the General Directorate for Labour Inspection to ensure compliance with the Convention and other relevant national laws. In the event of non-compliance, inspectors issued notifications to the employers in question. If employers continued to act in breach of the law, legal action was taken. The courts acted independently and imposed penalties based on inspectors' findings. A national action plan was being carried out to ensure that children worked under decent conditions. Training workshops had been held with the participation of NGOs, relevant social institutions and experts in the field. The Ministry of Cooperatives, Labour and Social Welfare had recently organized photography exhibitions to promote a culture of creativity among children.

38. **Mr. Mohades** (Islamic Republic of Iran) said that the articles governing child marriage in the Civil Code could be revised, as had been done previously, although no steps had yet been taken to do so. Under the Islamic Penal Code, a person could be imprisoned for up to 2 years in the event of non-registration of marriage and divorce. Although it was true that women were required by law to wear a hijab, the punishment for violating such laws did not involve flogging. Those in breach of the law merely received a fine.

39. The State party agreed that public executions witnessed by children had a negative impact on their mental well-being. Although it was rare for children to witness such events, efforts had been made to increase awareness that children ought not to be brought to public executions. In addition, the timings of executions had been changed so that they took place before sunrise, when most children were asleep.

40. A child under the age of 2 years was not separated from his or her mother in the event of the mother's imprisonment. However, the mother could choose not to take her child with her to prison. Nurseries had been established within female prisons for children over the age of 2 years; the full-time custody of such children fell to the father in most cases. If the father was deemed unfit to take care of the child, State welfare organizations would take responsibility for the child's guardianship.

41. The practice of honour killings had its roots in Iranian tribal culture. The Government was endeavouring to prevent the practice by engaging in discussions with tribal leaders and, thanks to increasing awareness of the issue, the practice was becoming rarer

42. On the question on child custody, if one parent died, the custody of the child in question would be handed to the remaining living parent. In cases of divorce, children up to the age of 8 years remained with their mother. For children over 8 years of age, the father would be entitled to custody; once children reached puberty, they could choose with which parent they wished to live.

43. Under sharia law, if an inheritance was to be divided between a son and daughter, the son would receive double the inheritance of the daughter owing to the fact that when a woman married, all the financial costs she incurred were borne by her husband.

44. **Ms. Farahmand Pour** (Islamic Republic of Iran) said that the Sixth Development Plan would be implemented from 2016. The plan would allocate an

increase in the budget for previously under-resourced provinces. Progress had already been made in that regard: for instance, the number of sports facilities available to children in the province of Kermanshah was higher than that of Tehran.

45. **Mr. Abbasi** (Islamic Republic of Iran) said that the Government was cooperating with Interpol and other relevant stakeholders to combat human trafficking and the trafficking of organs. No clear statistics regarding the issue were available at present. Transplants of organs donated by persons of non-Iranian nationality were prohibited.

46. **Ms. Winter** said that the State party had made significant progress in the field of health and education, which was particularly impressive given the country's difficult financial situation in recent years. However, she remained concerned by a number of legal issues and by discrimination within Iran.

47. **Mr. Abbasi** (Islamic Republic of Iran) said that the sanctions imposed on Iran had undoubtedly impacted negatively on children and on the enjoyment of their rights. In view of recent positive developments, however, the Government trusted that the sanctions would be removed as soon as possible. He assured the Committee that its recommendations would be taken into account.

The meeting rose at 1.05 p.m.